

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD WILTSIE,

Plaintiff,

vs.

Hon. Paul D. Borman
Magistrate Judge Capel
Case No. 2:05cv74746

COGNEX CORPORATION, a Massachusetts
corporation,

Defendant.

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STIPULATION TO AMEND ORDER ON REMAND
FROM DISTRICT COURT JUDGE

The parties to this matter hereby stipulate and agree that the court enter the amended order on remand from the District Court Judge (Borman, J.) in the form attached. This stipulation is made without waiver of the parties' rights to object to this amended order pursuant to Rule 72(a).

/s/ Teri L. Johnson

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Dated: November 27, 2006

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AMENDED ORDER ON REMAND FROM DISTRICT COURT JUDGE

At a session of said Court, held in the Federal Courthouse
in the City of Flint, County of Genesee, State of Michigan, on:

November 20, 2006

PRESENT: WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

This matter came before the Court for hearing on the Order Remanding To the Magistrate Judge To Set Forth Specific Reasons for Denying Plaintiff's Motion to Compel As To Documents Not Compelled, filed on October 25, 2006.

Having heard oral argument on this matter, and for the reasons stated on the record at the hearing held on November 20, 2006, the following items on the Defendant's Privilege Log are deemed to be either protected under the work-product doctrine or attorney-client privilege doctrine: Numbers 1-11, 15, 18-21, 29, 34, 35, 40 and 42-50. The transcript of the hearing held on August 3, 2006 bears out the reasoning for this finding.

As stated in the transcript of the hearing held on August 3, 2006, an exhaustive review of the submitted documents was conducted *in camera*. After that review, I found that as long as the substance of the e-mails in question have been provided to counsel, that would be sufficient. I further found that the documents in question which should not be turned over meet the standard of either work-product or attorney-client privilege.

IT IS SO ORDERED.

The parties are hereby informed that any objections to this order must be filed with the district court within ten days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

Dated: December 1, 2006

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
United States Magistrate Judge